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In re Application of: Zhou
Application No. 09/656,969
Attorney Docket No. 450110-02767
Filed: September 7, 2000
For: DISTRIBUTED SERVICE PROVIDER

)
) DECISION ON PETITION TO
) REMAIL OFFICE ACTION AND
) RESTART PERIOD FOR REPLY
) UNDER 37 CFR §1.181
)

This is a decision on the petition, filed October 18, 2004, requesting remailing of the final Office action of May 5, 2004 and restarting of the period for reply in the above-identified application, under 37 CFR §1.181.

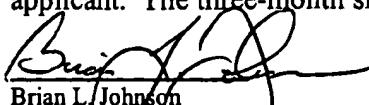
In the absence of any apparent irregularity associated with the mailing of an Office communication, the Office presumes that the communication was properly mailed to the address of record. This presumption may be overcome by showing that the Office communication was not received. According to the MPEP §711.03(c), the showing required to establish non-receipt of an Office action includes the following:

- 1) *a statement from practitioner that the Office action was not received,*
- 2) *a statement from practitioner that the file jacket and docket records were searched,*
- 3) *a copy of the docket record at the address of record, and*
- 4) *a reference to the docket record in the practitioner's statement.*

Petitioner's should adhere to language noted above. In support of the petition, applicants' representative provides a statement that the final Office action was not received and that a search of the file jacket and document records has been performed. Petitioner has also submitted a copy of the docket record at the address of record as well as a reference to the docket record in practitioner's statement.

Petitioner has established non-receipt of the Office action according to the requirements set forth above. Accordingly, the petition is **GRANTED**.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to redate and remail the final Office action (originally mailed May 5, 2004) to the applicant. The three-month shortened statutory period to begin with the remailing of the action.


Brian L. Johnson
Special Programs Examiner
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11/3/04